

CRAIG M. NICHOLAS (Bar No. 178444)  
cnicholas@nicholaslaw.org  
SHAUN MARKLEY (Bar No. 245598)  
smarkley@nicholaslaw.org  
JAKE W. SCHULTE (Bar No. 293777)  
jschulte@nicholaslaw.org  
**NICHOLAS & TOMASEVIC, LLP**  
225 Broadway, 19th Floor  
San Diego, California 92101  
(619) 325-0492 (Tel)  
(619) 325-0496 (Fax)

NOAM GLICK (Bar No. 251582)  
noam@glicklawgroup.com  
**GLICK LAW GROUP, P.C.**  
225 Broadway, Suite 2100  
San Diego, CA 92101  
Tel: (619) 382-3400  
Fax: (619) 615-2193

Attorneys for Defendants  
KIM EMBRY and ENVIRONMENTAL  
HEALTH ADVOCATES, INC.

J. Noah Hagey, Esq. (SBN: 262331)  
hagey@braunhagey.com  
Matthew Borden, Esq. (SBN: 214323)  
borden@braunhagey.com  
Forrest Hainline, Esq. (SBN 64166)  
hainline@braunhagey.com  
David H. Kwasniewski, Esq. (SBN: 281985)  
kwasniewski@braunhagey.com  
Robert Petraglia, Esq. (SBN: 264849)  
petraglia@braunhagey.com  
**BRAUNHAGEY & BORDEN LLP**  
351 California Street, 10th Floor  
San Francisco, CA 94104  
Telephone: (415) 599-0210  
Facsimile: (415) 599-0210

Attorneys for Plaintiff  
B&G FOODS NORTH AMERICA, INC.

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

B&G FOODS NORTH AMERICA, INC.,

Plaintiff,

v.

KIM EMBRY and ENVIRONMENTAL HEALTH  
ADVOCATES, INC., acting as enforcement  
representatives under California Proposition 65 on  
behalf of the State of California,

Defendants.

) CASE NO. 2:20-CV-00526-KJM-DB

) *Hon. Kimberly J. Mueller*

) **JOINT STIPULATION**

1 TO THE HONORABLE COURT:  
2 Plaintiff B&G Foods North America, Inc. (“B&G” or “Plaintiff”), and Defendants Kim Embry  
3 and Environmental Health Advocates, Inc. (“Defendants”) (together, the “Parties”), by and through  
4 their respective counsel, hereby submit the following Joint Stipulation pursuant to this Court’s Order  
5 (ECF 64).

6 **NOW THEREFORE IT IS HEREBY STIPULATED** by the undersigned Parties, through  
7 their respective counsel, that the following briefing schedule will be in effect regarding Defendants’  
8 anticipated motion to dismiss and sanctions motion set for a hearing on March 10, 2023:

- 9 1. Motion to Dismiss  
10 a. Defendants’ Opening Brief: filed on January 19, 2023  
11 b. B&G’s Opposition: February 16, 2023  
12 c. Defendants’ Reply: February 28, 2023  
13 2. Motion for Sanctions  
14 a. Defendants’ Opening Brief: filed on February 9, 2023  
15 b. B&G’s Opposition: February 21, 2023  
16 c. Defendants’ Reply: February 28, 2023

17 Dated: January 19, 2023

**NICHOLAS & TOMASEVIC, LLP**

18 By: /s/ Jake W. Schulte  
19 Jake W. Schulte

20 Attorneys for Defendants  
21  
22

23 Dated: January 19, 2023

**BRAUNHAGEY & BORDEN, LLP**

24 By: /s/ David H. Kwasniewski  
25 David H. Kwasniewski

26 Attorneys for Plaintiff  
27  
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

---

Jake W. Schulte